



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES CITY COUNCIL MEETING

June 9, 2009

7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met in regular session on March 26, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell and Medina in attendance. Absent Councilmember Ibarra, with notice. Recording by Clerk Bonner. **Councilmember Medina** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Franzella recognized Participants from many schools within San Bruno Park School District in the Earth Day Poster Contest, Sponsored by the San Bruno Garbage Company in Cooperation with the City of San Bruno. **Tammy DelBenne** from San Bruno Garbage spoke about the collaboration she had with Public Services Director Fabry on ways to promote litter prevention in San Bruno. They came up with the idea to have a poster contest to engage the children and educate others at the same time.

4. PRESENTATIONS:

Receive Report from Councilmember O'Connell on the Annual Operation Clean Sweep Event Held on May 2, 2009.

Councilmember O'Connell acknowledged each of the members of the Beautification Task Force and presented a slide show on Operation Clean Sweep and thanked the many people who helped make the day a huge success.

Councilmember O'Connell said the Beautification Task Force said the Beautification Awards will be coming up and it is on San Bruno's Web site and will be in the upcoming FOCUS. She also said they will be trying something new this year, "Summer in the City" which is where people can take pictures of what they enjoy in San Bruno during the summer which will be displayed on Cable.

5. **REVIEW OF AGENDA:** No changes.

6. **APPROVAL OF MINUTES:** Regular Council Meeting of May 26, 2009, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Payroll of May 24, 2009.
- b. **Approve:** Accounts Payable of May 26, 2009.
- c. **Waive:** Second Reading and Adopt Ordinance Temporarily Suspending Liability of Airport Parking Facilities for a Portion of the Airport Parking Facility Tax Provided for by San Bruno Municipal Code 3.16.180 Imposing a 2.46% Rate Increase.
- d. **Adopt:** Resolution Authorizing the City Manager to Execute Agreement for Exchange of Emergency Medical Rescue and Fire Protection Services, Automatic and First Response.

M/S Medina/Ruane to approve the consent calendar and passed with all ayes. Councilmember Ibarra absent.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

a. Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Amending Chapter 12.220 (Wireless Telecommunications Facilities) to Title 12 (Land Use) of the San Bruno Municipal Code.

City Attorney Thompson said this is an amendment in response to requirements of State law and bringing our existing ordinance into compliance and asked for questions.

Mayor Franzella opened the Public Hearing. No one wished to speak.

M/S Ruane/Medina to close the public hearing and passed with all ayes. Councilmember Ibarra absent.

M/S Ruane/Medina to waive first reading and passed with all ayes. Councilmember Ibarra absent.

Vice Mayor Ruane introduced the ordinance for adoption and passed with a unanimous vote. Councilmember Ibarra absent.

b. Hold Public Hearing and Adopt Resolution Amending Master Fee Schedule for 2009-10 and Establishing Fees for Municipal Services.

Administrative Services Director O'Leary gave an overview of the amendments to the Master Fee Schedule as well as highlighting a few.

Councilmember Medina asked if the field user fees are reviewed by the Park and Recreation Department. **Community Services Director Schwartz** said he doesn't think all the fees are reviewed. **Mayor Franzella** said the user fees were approved last year; however, rather than doing an increase all in one year, they were spread out over two years and the others are changes to correct typos and be aligned with practice. He said the user fees for swimming have been reduced but so has the time allocated. Other than that, there are no changes and he didn't see any items the Commission would need to weigh in on.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S Medina/O'Connell to close the public hearing and passed with all ayes. Councilmember Ibarra, absent.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote. Councilmember Ibarra absent.

c. Hold Public Hearing and Authorize the City Manager to Negotiate an Agreement with Redflex Traffic Systems for a Red Light Photo Enforcement Program.

Police Chief Telford gave a slide presentation on red light cameras and the reason for choosing Redflex Traffic Systems as a vendor. He said contract negotiations could be completed in 30 to 60 days and if the cameras are installed on a Caltrans intersection, it could take another six to nine months. He asked for questions.

Councilmember O'Connell noted from the staff report there were 76 collisions at Sneath and El Camino Real; however, it doesn't show the direction. **Chief Telford** said the violations at El Camino Real at Sneath Lane going eastbound were 64. He said he could not respond back to Council the direction. **Councilmember O'Connell** said if there were a significant amount of collisions in one direction that should be the one looked at first. **Chief Telford** agreed.

Councilmember O'Connell asked if red light violations were when the car wheels pass the pedestrian line and the light turns red, or you're halfway through and the light turns yellow? **Chief Telford** said when a vehicle's front wheels are behind the first limit line, if the light is red and the vehicle continues to cross the first limit line, it is a red light violation. Halfway through on a yellow light is not a violation. **Mayor Franzella** said with the cameras they could only site the driver if the driver is the vehicle owner. **Chief Telford** concurred. He said several violations are lost because the driver is obscured.

Mayor Franzella opened the Public Hearing.

Bernice Tattola, supported introduction of red light cameras in San Bruno.

Scott Bushman, Claremont Dr. supported the red light cameras. He asked if San Bruno was going to have the service where the bad photos were weeded out?

Jim Kelly, Oak Ave. heartily endorsed what the City is looking at. He asked if there has ever been a case where a sited driver, under this program, has successfully challenged the situation at a hearing? Is there room under the law to consider a sliding scale of fines based on the severity of the problem?

City Attorney Thompson said legally the City can engage in a contract to allow this type of enforcement and that has been upheld. What has been challenged in a number of different jurisdictions is the way that it is paid for. The State law requires that a City cannot enter into a contract where the compensation to the company is based on the number of tickets issued or the percentage of revenues. Currently the cost neutrality position is being litigated in several places. She said sliding scales couldn't be done.

M/S Medina/Ruane to close the public hearing and passed with all ayes. Councilmember Ibarra absent.

Councilmember O'Connell said if the red light enforcement decreases the violations, subsequently the revenues will also decrease, she asked if they would still be willing to do a cost neutral contract? **Chief Telford** asked Wade Bettisworth from Redflex to come forward.

Wade Bettisworth, Representative, Redflex Traffic Systems, he said regarding the viability of an intersection, they look at selection based on enough violations to justify installing the equipment in order to move forward with the program.

Councilmember Medina thanked staff for the work that has been done. **Chief Telford** said this has taken a long time; however, significant progress has been made with Caltrans.

Mayor Franzella asked for a time line? **Chief Telford** said to move forward with the contract, thirty to sixty days. To implement a red light enforcement program on a non-Caltrans street, estimated at a 120 days. To put cameras up and have them operational on a Caltrans right-of-way, six months to nine months

M/S Medina/O'Connell to negotiate an agreement and passed with all ayes. Councilmember Ibarra absent.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

John Barrielier, N. San Anselmo said a cap needed to be put on overtime, GPS in all company vehicles, street sweeping extended to the west side of San Bruno and renting out the

Senior Center. **Mayor Franzella** said they are looking at overtime and the Senior Center is available for rental.

10. CONDUCT OF BUSINESS:

a. Authorize Fireworks Stand Permits for 2009 Upon Finding that the Non-Profit Organizations Meet Requirements of Resolution 2008-59 and Ordinance No. 1700.

Clerk Bonner said fifteen applications were received which were reviewed by the Fire Department and the Council Subcommittee. Mandatory safety training was conducted for the applicants and she asked for questions.

Councilmember O'Connell thanked the City Clerk for her work.

M/S O'Connell/Medina to approve authorization of the fireworks stand permits and passed with all ayes. Absent Councilmember Ibarra.

b. Adopt Resolution Approving Paid Advertisements in the Community Services Department's Recreation Guides and Approving Advertising Rates.

Community Services Director Schwartz gave an overview of having paid advertisements in the Recreation publication sent out to all San Bruno residents three times a year and asked for questions.

Councilmember O'Connell asked if wording could be changed for non-profits who solicit membership? **Schwartz** said if Council approves, it could be allowed for San Bruno-based non-profits.

Mayor Franzella asked how would it be determined for businesses engaged in educational, cultural, intellectual or charitable activities? **Schwartz** said the San Bruno based-business is more a question of looking at the prohibitions of the type of advertising they are doing. They are educating the public to their business and as long as it is not the tobacco, alcohol, pornography, criminal activity they would be accepted in normal business practices. **Mayor Franzella** said if one was to read a business must be engaged in educational cultural, intellectual or charitable activities, he didn't know how a dentist or a realtor could be placed in that category. **Schwartz** said that portion could be eliminated and focus placed on the prohibitions.

Mayor Franzella said a business advertising in a City publication most definitely have a City business license. **Schwartz** concurred.

Councilmember Medina said regarding the non-profits, if we are opening up to all non-profits, that means once they have received that, it gives them the right to advertise. He was concerned what that would open up.

Councilmember Medina referenced the back cover advertisements and he said that space is used for promoting our own internal activities and programs. He was fearful with advertisements on the back, people might think it was junk mail. **Schwartz** said they could remove the back cover from the rate sheet.

Vice Mayor Ruane introduced the resolution for adoption with the additions and deletions as so stated and passed with a unanimous vote. Absent Councilmember Ibarra.

c. Adopt Resolution Authorizing the Closure of San Mateo Avenue Between Jenevein Avenue and Sylvan Avenue on Sundays from June 21, 2009 through October 18, 2009 between the Hours of 7:00 AM and 4:00 PM for a Farmers' Market.

Community Development Director Akin gave an overview of the staff report and asked for questions.

Vice Mayor Ruane asked what other cities in San Mateo County does Pacific Coast Farmers' Market operate? **Akin** said SSF, San Mateo, Belmont, San Carlos and Daly City.

Robert Riechel, 7th Ave. complimented staff on all the work they have done. He said they had gone to the SSF Market and found them very responsive.

Jim Kelly, Oak Ave. said of the sixty cities, what percentage require closure of a public street or make use of another spot? He said the route, which will be closed, is regularly used and he suggested using a parking lot as an alternative. **Mayor Franzella** said they do not have an exact number of streets, which are closed, but the City of Campbell closes blocks and they have a very successful weekly event. He said other spots were looked at; however, there was less visibility. He said it was concluded to test this in this area and if it proves to be too much of an inconvenience, the Council will look at it again next year.

Councilmember O'Connell congratulated the San Bruno Chamber.

Councilmember Medina echoed Councilmember O'Connell's comments and also said the Chamber was kind enough to offer the City a booth on 6/21 to promote some of their activities. He said visibility and adequate parking is very important.

Vice Mayor Ruane congratulated the Chamber.

Councilmember Ruane introduced the resolution for adoption with the hours of 7:00 a.m. to 4:00 p.m. the Farmers' Market shall defend and hold harmless the City and provide insurance in the amount and form approved by the City Attorney naming the City as additionally insured and passed with a unanimous vote. Absent Councilmember Member .

Councilmember Medina said he sent to San Mateo Avenue and there are at least fifty businesses open so people can shop and maybe eat there.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

Councilmember O'Connell said when the water/sewer rates were increased, a number of people wrote in and one suggested a Beautification Award be awarded to a resident based on the amount of water not used. She said there is a zero-scaping award so it uses native plants and is drought tolerant, she said notify the Committee.

13. CLOSED SESSION:

Mayor Franzella said they would be going into closed session with no reportable action.

a. Closed Session with Legal Counsel to Provide Direction Regarding Potential Litigation Govt Code 54956.9 (b)(1). (Two Matters.)

b. Closed Session with Legal Counsel to Provide Direction Regarding Whether to Initiate Litigation Govt Code 54956.9 (c)(1).

c. Closed Session to Provide Direction to Legal Counsel Regarding Pending Litigation in Lind v. City of San Bruno, et al., San Mateo Superior Court Case Civ. No. 478318. (Cal. Gov't Code 54956.9(a)).

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 8:34 p.m. with a moment of silence in memory of Father Rene Gomez who served as the Pastor of St. Bruno's Church for a number of years. The next regular City Council Meeting will be held on June 23, 2009 at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
June 23, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor